

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF PENNSYLVANIA

DONALD L. MOSHIER, JR.

v.

UNITED STATES OF AMERICA, ~~06, 00~~ Oct 12 2006 P,1:24
defendants

CLERK

~~NOTICE TO COURT~~ X

Civil Action No.
1:05-CV-180-SJM-SPB
Judge McLaughlin
Magistrate Baxter

PLAINTIFF'S MOTION FOR ENLARGEMENT
OF TIME TO RESPOND TO DEFENDANT'S
DISPOSITIVE MOTION

Now comes the plaintiff, Donald L. Moshier Jr., pro se who respectfully requests that this Court grant him a ninety (90) day enlargement of time, or until January 10, 2007, to respond to Defendants Partial Motion To Dismiss Or, In The Alternative, Partial Motion For Summary Judgment.

As grounds plaintiff states the following:

Plaintiff filed an amended complaint, pro se, alleging that he received inadequate, untimely and negligent medical care while incarcerated at the federal prison in McKean County, Pennsylvania ("FCI-McKean"), in 2002-03 and continuing through present.

Plaintiff's Amended Complaint asserts claims pursuant to Bivens v. Six Unknown Named Agents of The Federal Bureau of Narcotics, 403 U.S. 388 (1971), alleging that the defendants violated his Eighth Amendment right to be free from cruel and unusual punishment, and negligence under the Federal Tort Claims Act, 28 U.S.C. § 2670 et seq. ("FTCA").

Plaintiff filed his Amended Complaint in June of 2006. Defendants were served and ordered to respond. Defendants responded with a Partial Motion to Dismiss Or, in the alternative, Partial Motion for Summary Judgment on September 21, 2006.

Plaintiff is currently due to respond by October 10, 2006, per Court Order.

Plaintiff is a pro se federal inmate currently incarcerated at the United States Penitentiary, Lewisburg, Pennsylvania, and is subject to the limited operating hours of the USP-Lewisburg law library and availability of typewriters.

Plaintiff, who is a layman in the law, has no formal education or training in civil litigation and therefore must rely on the assistance of an inmate who has more experience in these matters and is willing to help him. This inmate is also restricted to the limited use of the law library and typewriters.

Defendants have raised four complex legal arguments and cited numerous case law. These arguments will have to be researched properly to be countered by him. The law library at USP-Lewisburg has no computers or electronic research tools that are available to inmates, therefore, plaintiff must manually research all case law, thus he will need the ninety day enlargement of time in order to adequately respond to defendants dispositive motion. /

Wherefore, plaintiff respectfully requests that this Honorable Court Grant and Order his Motion for enlargement of

time in which to respond to defendant's dispositive motion.

Date: October 5, 2006.

Respectfully submitted,

Donald L. Moshier Jr.

Donald L. Moshier
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U.S. Penitentiary
P.O. Box 1000
Lewisburg, PA 17837

CERTIFICATE OF SERVICE

I, Donald L. Moshier, pro se, do hereby certify that I did cause to be served one true and correct copy of the foregoing: Plaintiff's Motion For Enlargement Of Time to Respond To Defendant's Dispositive Motion, on the below named, on this 5th day of October, by placing same in the U.S. Mail receptacle at U.S.P.-Lewisburg, PA, first class postage affixed.

Addressee

Assistant U.S. Attorney
U.S. Attorney's Office
Western District of PA
700 Grant St., Suite 4000
Pittsburgh, PA 15219

Donald L. Moshier Jr.

Donald L. Moshier Jr.